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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-17391-2018

Date of Decision :23.01.2025

**Director, Women & Child Development Officer,
Haryana and others**

...Petitioners

Versus

Kamlesh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen Panwar, DAG, Haryana
for petitioner-State.

Ms. Abha Rathore, Advocate for respondent No.1.

* * *

Harsimran Singh Sethi, J. (Oral)

1. Learned counsel for the petitioner submits that in the present petition the award dated 17.11.2017 (Annexure P/3) passed by the Labour Court, Panipat is under challenge.

2. Learned counsel for the petitioner further submits that the similar award was challenged by the petitioner in **CWP-8040-2012 titled as State of Haryana vs. Smt. Dulari and another**, whereby the award dated 13.12.2011 passed by the Labour Court was set aside on 12.08.2013 though, in an appeal being **LPA No.622-2016 titled as Dulari vs. State of Haryana and another , decided on 22.02.2023**, the judgment of the learned Single Bench was set aside and the award was upheld but the relief given



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was modified qua the reinstatement with 50% back wages, lumpsum compensation of Rs.2,50,000/- was granted. Learned counsel for the petitioner submits that present petition needs to be disposed of in terms of order passed in the case of **Dulari (supra)**.

3. Learned counsel for the respondent-Workman submits that the respondent-Workman does not dispute qua passing of the order by the Division Bench of this Court in **Dulari (supra)** but submits that there are certain distinguishing facts in the present petition. Learned counsel for the respondent-Workman further submits that in **Dulari (supra)**, the workman had only rendered 05 years of service and upon computation, a sum of Rs.2,50,000/- was granted whereas, in the present case, the respondent-workman had rendered 08 years of service hence, the said distinguishing fact may be kept in mind for deciding the claim of the respondent-workman even while applying ration in **Dulari (supra)**.

4. I have heard learned counsels for both the parties and have gone through the record with their able assistance.

5. Once, there is no dispute that issue raised in the present petition has been decided by the Division Bench of this Court while passing the order in the case of **Dulari (supra)** then the only question left is whether the judgment in **Dulari (supra)** needs any modification or not, keeping in view the distinguishing fact qua the service rendered by the respondent-workman. In the present petition, respondent-workman had rendered 08 years of before the termination of her services and in **Dulari (supra)**, the Court has assessed compensation to the tune of Rs.2,50,000/- keeping in view the 05 years of service rendered by the workman therein i.e. Rs.50,000/- for each



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completed year.

6. Once, the learned counsel for the petitioner has failed to dispute that the respondent-workman in the present case had 08 years of service to her credit, then the compensation to be awarded has to be commensurate to the number of years rendered in service. As respondent-workman had rendered 08 years in service, therefore while applying judgment in **Dulari (supra)**, respondent-workman is held entitled for lump sum compensation of Rs.4 lacs which is to be paid to the respondent-workman by the petitioner within a period of 02 months from the date of receipt of copy of this order. In case, the said amount of Rs.4 lacs which is not paid to the respondent-workman within the time frame granted, the respondent-workman shall be entitled to the interest @ 6% per annum from today.

7. Present petition is disposed of in above terms.

January 23, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No